

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA
SCRANTON DIVISION**

CHRISTOPHER BALUTA,)	
)	
Plaintiff,)	
)	
v.)	No.
)	
CREDIT ACCEPTANCE CORPORATION))	
)	
Defendant.)	
)	

COMPLAINT

Plaintiff, CHRISTOPHER BALUTA (“Plaintiff”), through the undersigned attorney, alleges the following against, Defendant, CREDIT ACCEPTANCE CORPORATION (“Defendant”):

INTRODUCTION

1. Count I of Plaintiff’s Complaint alleges that Defendant negligently, knowingly and/or willfully violated the Telephone Consumer Protection Act (“TCPA”), 47 U.S.C. § 227, *et seq.*

JURISDICTION AND VENUE

2. Jurisdiction of this court arises pursuant to 28 U.S.C. § 1331.
3. Defendant conducts business in the State of Pennsylvania establishing personal jurisdiction.
4. Venue is proper pursuant to 28 U.S.C. § 1391(b)(2).

PARTIES

5. Plaintiff is a natural person residing in Tafton, Pike County, Pennsylvania.

6. Defendant is a business entity with an office located in Southfield, Michigan.

7. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

FACTUAL ALLEGATIONS

8. Defendant places calls to Plaintiff's cellular telephone at 570-352-63XX.

9. Defendant places calls from telephone numbers including, but not limited to, (810) 277-1001, (810) 277-1003, (586) 461-1004, (734) 742-1035, (248) 353-2700.

10. All of Defendant's telephone calls to Plaintiff were placed using an automatic telephone dialing system ("auto-dialer").

11. On or around February 10, 2014, Plaintiff spoke with Defendant's representative and asked Defendant to stop placing calls to his cellular telephone and to correspond in writing only.

12. Plaintiff revoked any consent, express or implied, to receive automated calls from Defendant during the phone conversation on or around February 10, 2014.

13. Despite Plaintiff's request to stop Defendant continued to call Plaintiff's cellular telephone using an auto-dialer.

14. Specifically, Defendant called Plaintiff as follows:

- February 15, 2014: three (3) calls at 8:33am, 10:21am, 11:51am;
- February 16, 2014: one (1) call at 9:15pm;
- February 18, 2014: one (1) call at 11:49am;
- February 24, 2014: six (6) calls at 8:30am, 1:40am, 12:21pm, 1:47pm, 3:46pm, 6:27pm;
- March 3, 2014: four (4) calls at 8:23am, 9:51am, 11:29am, 1:04pm;

- March 4, 2014: four (4) calls at 8:28am, 11:42am, 1:50pm, 3:58pm;
- March 12, 2014: six (6) calls at 8:22am, 10:04am, 11:19am, 2:42pm, 5:02pm, 8:19pm;
- March 20, 2014: five (5) calls at 8:26am, 10:06am, 11:18am, 12:41pm, 2:13pm;
- March 21, 2014: six (6) calls at 8:13am, 9:34am, 10:47am, 12:09pm, 3:27pm; 8:26pm

COUNT I
DEFENDANT VIOLATED THE TELEPHONE CONSUMER PROTECTION ACT

15. Defendant's actions alleged *supra* constitute numerous negligent violations of the TCPA, entitling Plaintiff to an award of \$500.00 in statutory damages for each and every violation pursuant to 47 U.S.C. § 227(b)(3)(B).

16. Defendant's actions alleged *supra* constitute numerous and multiple knowing and/or willful violates of the TCPA, entitling Plaintiff to an award of \$1,500.00 in statutory damages for each and every violation pursuant to 47 U.S.C. § 227(b)(3)(B) and 47 U.S.C. § 227(b)(3)(C).

WHEREFORE, Plaintiff, CHRISTOPHER BALUTA, respectfully request judgment be entered against Defendant, CREDIT ACCEPTANCE CORPORATION, for the following:

17. Statutory damages of \$500.00 for each and every negligent violation of the TCPA pursuant to 47 U.S.C. § (b)(3)(B);

18. Statutory damages of \$1500.00 for each and every knowing and/or willful violation of the TCPA pursuant to 47 U.S.C. § (b)(3)(b) and 47 U.S.C. § (b)(3)(C);

19. All court costs, witness fees and other fees incurred; and

20. Any other relief that this Honorable Court deems appropriate

Dated: May 28, 2014

RESPECTFULLY SUBMITTED,

By: /s/ Michael Siddons

Michael Siddons

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Attorney for Plaintiff

VERIFICATION OF COMPLAINT AND CERTIFICATION

STATE OF PENNSYLVANIA

Plaintiff, CHRISTOPHER BALUTA, states the following:

1. I am the Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it.
6. Each and every exhibit I have provided to my attorneys which has been attached to this Complaint is a true and correct copy of the original.
7. Except for clearly indicated redactions made by my attorneys where appropriate, I have not altered, changed, modified or fabricated these exhibits, except that some of the attached exhibits may contain some of my own handwritten notations.

Pursuant to 28 U.S.C. § 1746(2), I, CHRISTOPHER BALUTA, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

3-20-14

Date


CHRISTOPHER BALUTA